

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:

PHILLIP T JACKSON

AND

ELIZABETH A KOLB JACKSON AKA ELIZABETH K
JACKSON

Debtors

Address: 1083 Mountain View Road

Fredericksburg, VA 22406

1083 Mountain View Road

Fredericksburg, VA 22406

Last four digits of Social Security No.(s): XXX-XX-2253 and
XXX-XX-8516

BCN #: 19-12134-BFK

Chapter: 7

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: August 14, 2019 at 9:30 AM in Courtroom I, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: July 11, 2019

/s/ Nicole McKenzie

BY: Gregory N. Britto, Esquire

VS# 23476

Malcolm B. Savage, III, Esquire

VS# 91050

William M. Savage, Esquire

VS# 26155

Thomas J. Gartner, Esquire

VS# 79340

Mary F. Balthasar Lake, Esquire

VS# 34899

Renee Dyson, Esquire

VS# 93282

Nicole McKenzie, Esquire

VS# 93990

SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320

(703) 449-5800

VABECF@logs.com

CERTIFICATE OF SERVICE

I certify that I have this 11th day of July, 2019, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Tommy Andrews, Jr.
Tommy Andrews, Jr. P.C.
122 N. Alfred St.
Alexandria, VA 22314

H. Jason Gold
Nelson Mullins Riley & Scarborough LLP
101 Constitution Avenue, N.W. Suite 900
Washington, DC 20001

Phillip T Jackson
1083 Mountain View Road
Fredericksburg, VA 22406

Elizabeth A Kolb Jackson
1083 Mountain View Road
Fredericksburg, VA 22406

/s/ Nicole McKenzie

Gregory N. Britto, Esquire
VSB #23476

Malcolm B. Savage, III, Esquire
VSB #91050

William M. Savage, Esquire
VSB #26155

Thomas J. Gartner, Esquire
VSB #79340

Mary F. Balthasar Lake, Esquire
VSB #34899

Renee Dyson, Esquire
VSB #93282

Nicole McKenzie, Esquire
VSB #93990

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Phillip T Jackson and Elizabeth A Kolb
Jackson a/k/a Elizabeth K Jackson
Debtors

BCN#: 19-12134-BFK
Chapter: 7

Nationstar Mortgage LLC d/b/a Mr. Cooper
Movant/Secured Creditor,

v.
Phillip T Jackson and Elizabeth A Kolb Jackson
Debtors

Motion for Order Granting Relief from
Automatic Stay under 11 USC §362

and
H. Jason Gold
Trustee
Respondents

Nationstar Mortgage LLC d/b/a Mr. Cooper, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtors filed a Chapter 7 Petition in Bankruptcy with this Court on June 28, 2019.

3. That H. Jason Gold has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. That the subject Mortgage secures a parcel of real property (hereinafter “the Property”) with the address of 2581 Jerico Road, Sumter, SC 29153 and more particularly described in the Mortgage dated June 16, 2006 and recorded as Deed Book 1035, Page 0058 among the land records of the said city/county, as:

That lot of land with the improvements thereon situate in Providence Township School District Two, Sumter County, South Carolina, represented as Lot 5A (containing 1.75 acres) on plat of Joseph R. Edwards, R.L.S. dated October 28,

1997 and recorded in the Sumter County RMC Office in Plat Book 97 at Page 1313.

Aforesaid Plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is in lieu of metes and bounds, as permitted by law under Section 30-5-250 of the 1976 Code of Laws of South Carolina, as amended. Be all of said measurements, a little more or a little less, and according to said plat.

This being the same property conveyed to Phillip T. Jackson and Elizabeth K. Jackson by Survivorship deed of Phillip Andy Smith dated July 21, 2000 and filed in the Sumter County Register of Deeds Office on July 24, 2000 in Volume 777 at Page 1816.

Also, That lot of land with the improvements thereon situate in Providence Township School District Two, Sumter County, South Carolina, represented as Lot 5B (containing 2.0 acres) on plat of Joseph R. Edwards, R.L.S. dated October 28, 1997 and recorded in the Sumter County RMC Office in Plat Book 97 at Page 1313.

Aforesaid Plat is specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. This description is in lieu of metes and bounds, as permitted by law under Section 30-5-250 of the 1976 Code of Laws of South Carolina, as amended. Be all of said measurements, a little more or a little less, and according to said plat.

This being the same property conveyed to Phillip T. Jackson and Elizabeth K. Jackson by General Warranty deed of Robert L. Sisson dated March 13, 2006 and filed in the Sumter County Register of Deeds Office on July 20, 2000 in Volume 777 at Page 1821.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtors.

6. That the Debtors are in default with regard to payments which have become due under the terms of the Note and Mortgage.

As of July 3, 2019 the Debtors are due for:

- o 12 monthly payments from April 2018 through March 2019 of \$1,163.79 each which were to be paid directly to Movant;
- o 4 monthly payments from April 2019 through July 2019 of \$1,140.46 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$750.00

o Bankruptcy Costs of \$181.00

7. Movant has elected to initiate foreclosure proceedings on the Property with respect to the Mortgage, but is prevented by the Automatic Stay from going forward with these proceedings.

8. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Debtors have little or no equity in the property.

9. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

10. That the Movant has requested that the Court hear this matter on August 14, 2019 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stay in order to pursue its remedies under the terms of its Note and Mortgage, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees' and costs expended, and for such other and further relief as the Court and equity deem appropriate.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: July 11, 2019

/s/ Nicole McKenzie
BY: Gregory N. Britto, Esquire
VSB #23476
Malcolm B. Savage, III, Esquire
VSB #91050
William M. Savage, Esquire
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Thomas J. Gartner, Esquire
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Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

Certificate of Service

I certify that I have this 11th day of July, 2019, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Tommy Andrews, Jr.
Tommy Andrews, Jr. P.C.
122 N. Alfred St.
Alexandria, VA 22314

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